

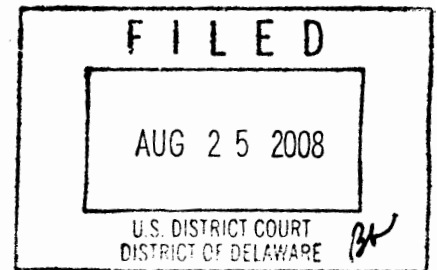
IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

JIMMIE LEWIS

V.

CA. NO. 04-1350 (GMS)

DR. SYLVIA FOSTER, ET AL.



MOTION FOR DECLATORY  
OR INJUNCTIVE RELIEF  
PURSUANT TO FED.R. CIV P'S 57 AND 65,  
SPECIFICALLY FOR DEFENDANT  
DR. SYLVIA FOSTER ONLY.

DATE: 8/22/08

*Jimmie Lewis*  
JIMMIE LEWIS  
SBI # 506622  
J.T.V.C.C.  
1181 PADDOCK RD  
SMYRNA, DE 19977

P.1.)

- 1.) DEFENDANT DR. SYLVIA FOSTER HAS NOT SUBMITTED ANY CONTENTIONS REGARDING THE PLAINTIFFS INJUNCTIVE RELIEF SOUGHT REGARDING SAID DEFENDANTS JUNE 10, 04 PSYCHIATRIC AND OR PSYCHOLOGICAL REPORT TO DETERMINE PLAINTIFFS COMPETENCY/ PURSUANT TO NEW CASTLE COUNTY SUPERIOR COURT JUDGE, THE HONORABLE JUDGE TOLIVERS DEC 1, 03 ORDER, CR ID NO - 0305016966, DI. 26. AS TO SAID REPORT BEING TO ERRONEOUS FOR THE NEW CASTLE CO. SUPERIOR COURT AND OR THE SUPREME COURT TO RELY APON TO SECURE PLAINTIFFS CONVICTION(S) FOR CARJACKING 2ND, THEFT \$1000 OR MORE AND RESISTING ARREST.

SEE LEWIS V. STATE ; 64, 2005 ,  
 LEWIS V. STATE ; 536, 2006 .  
 LEWIS V. STATE , 233, 2007

- 2.) THE AFOREMENTIONED DEFINES THAT SAID DEFENDANT HAS WAIVED ANY CONTENTION REGARDING RELIEF PLAINTIFF SEEK VIA ~~IMJUNCTIVE~~ INJUNCTIVE RELIEF AS IT IS STATE IN PLAINTIFFS CIVIL COMPLAINT AND AMENDED CIVIL COMPLAINT,
- 3.) THE DEFENDANT DENIED PLAINTIFF HIS WELL ESTABLISHED SUBSTANTIVE AND PROCEDURAL DUE PROCESS RIGHTS BY DELIBERATELY FAILING TO PETITION TO THE NEW CASTLE CO. SUPERIOR CT, FOR A COMPETENCY HEARING, (FOR WHICH WOULD HAVE GRANTED PLAINTIFF THE OPPORTUNITY TO IMPUGN SAID REPORT), PRIOR TO HAVING PLAINTIFF ABRUPTLY TRANSFERRED BACK TO THE D.O.C, EVEN THOUGH -

P.2.)

CONT #3.) THE DEFENDANT BEING FULLY AWARE THAT THEREAFTER PLAINTIFF WOULD BE SUBJECTED TO COURT PROCEDURES, SENTENCING AND INCARCERATION, WITHOUT IDENTIFYING THAT SAID REPORT ISN'T A RETRO ACTIVE REVIEW OF PLAINTIFFS MAY 26, 03 STATE OF MIND AT THE TIME OF HIS ARREST, NOR OF HIS STATE OF MIND AT THE TIME OF HIS OCT 21-23, 03 TRIAL, DUE TO SAID REPORT DOCUMENTING NOV 17, 03 AS THE DATE OF PLAINTIFFS ARREST.

8TH AND 14TH U.S. CA RIGHT VIOLATIONS

4.) THE PLAINTIFF CONTENDS THAT THE DEFENDANTS JUNE 10, 04 REPORT IS TOO ERRONEOUS FOR THE NEW CASTLE CO. SUPER COURT AND THE SUPREME COURT THE RELY ON, DUE TO SAID REPORT NOT BEING A RETRO ACTIVE REVIEW OF PLAINTIFF INCOMPETENCY AT THE TIME OF HIS MAY 26, 03 ARREST, NOT BEING A RETRO ACTIVE REVIEW OF PLAINTIFFS INCOMPETENCY AT THE TIME OF HIS OCT 21-23, 03 TRIAL; THE DEFENDANT DID NOT UTILIZE THE PLAINTIFFS TRIAL TRANSCRIPT(S), (THE DEFENDANT DID NOT UTILIZE THE PLAINTIFFS MISSING PERSONS NEWS PAPER ADD; THE DEFENDANT DID NOT CONTACT (LT SEREK BROWN (973) 733-5172 ~~THOMAS BROWN~~, SEE ATTACHED AS EXHIBIT), THE DEFENDANT DID NOT UTILIZE THE PLAINTIFFS WILM-DEPT OF POLICE DETAINEE ASSESSMENT / PROPERTY RECEIPT - SEE ATTACHED AS EXHIBIT), THE DEFENDANT DID NOT UTILIZE THE PLAINTIFFS MENTAL HEALTH TREATMENT PLAN - SEE ATTACHED AS EXHIBIT), AS EVIDENCE TO SUPPORT AND OR DENY DIAGNOSING PLAINTIFF AS MALINGERING - ALCOHOLIC - HISTORY OF CONDUCT DISORDER. EVEN THOUGH SAID EVIDENCE WAS MADE AVAILABLE TO DEFENDANT. - VIA FCM - COURT RECORD AND FROM PLAINTIFF HIMSELF PERSONALLY.

CONT# 4.) 6TH, 8TH AND 14TH U.S. CA RIGHT VIOLATIONS P.3)

5.) THE DEFENDANT PLEADINGS IN REGARDS TO ANY OF THE PLAINTIFF CONTENTIONS REGARDING DEFENDANTS JUNE 10, 04 REPORT, WAS TO RESPOND BY FILING MOTION FOR AN ORDER OF PROTECTION. SEE DEFENDANTS ANSWER TO PLAINTIFFS MOTION(S) FOR ADMISSION(S) AND INTERROGATORY ON THIS CIVIL ACTIONS DOCKET SHEET.

6.) THE DEFENDANT HAS FULL KNOWLEDGE ~~THAT~~ OF PLAINTIFFS SUBSTANTIVE AND PROCEDURAL DUE PROCESS RIGHTS, DUE TO PROVIDING PLAINTIFF WITH A MEMO STATING, COURT COMMITTED FROM PRISON AFTER THE PRISONER BECOMES MENTALLY ILL WILL BE RETURNED TO THE CUSTODY OF THE D.O.C UPON STABILIZATION IN A MANNER INDICATED BY A COURT ORDER SEE ATTACHED D.P.C EXHIBIT WITH A STIRK SIGN. THEREFORE DEFENDANT HAD FULL KNOWLEDGE IT TAKES AN OFFICIALLY DOCKETED SUPERIOR COURT ORDER WITH THE CLERK OF THE PROTHONOTARY, TO HAVE PLAINTIFF TRANSFERED TO THE D.P.C, AND AN OFFICIALLY DOCKETED SUPERIOR COURT ORDER WITH THE CLERK OF THE PROTHONOTARY, TO HAVE PLAINTIFF TRANSFERED BACK TO THE D.O.C. DEFENDANTS DELIBERATE INDIFFERENCE AS STATED HEREIN, DEFINES DEFENDANT DELIBERATELY DENING PLAINTIFF AN OPPORTUNITY TO IMPUGN THE JUNE 10, 04 REPORT.

SEE CR. 10 NO 0305016966 DOCKET SHEET NO. 70.

6TH, 8TH AND 14TH U.S. CA RIGHT VIOLATIONS



p.4.)

7.) THE DEFENDANTS JUNE 10, 04 REPORT HAS CAUSED PLAINTIFF ATYPICAL AND SIGNIFICANT HARDSHIP UNLIKE OTHER PERSONS CONFINED AT THE D.O.C. WHO WERE TRANSFERRED TO THE D.P.C. VIA OFFICIAL COURT ORDER TO UNDERGO COMPETENCY EVALUATION, WHO THEREAFTER RECEIVED A COMPETENCY HEARING PRIOR TO THEIR BEING TRANSFERRED BACK TO THE D.O.C. BEFORE BEING SUBJECTED TO COURT PROCEDURES, TRIAL PROCEDURES, SENTENCING AND OR INCARCERATION. THE PLAINTIFF HAS BEEN IN A CONTINUED STATE OF PAIN AND SUFFERING AT LEVEL (5) INCARCERATION DUE TO DEFENDANT VIOLATING HIS U.S.C.A. RIGHTS, AS WELL AS HIS RIGHT UNDER DELAWARE LAW EVER SINCE JUNE 25, 04, (WHEN SAID REPORT WAS FILED IN THE N.E.C. S.C.T. WITH THE CLERK OF THE PROTHONOTARY), UP TO DATE; AUG 22, 08 AND TOLLING UNTIL THE END OF HIS 8 YEAR SENTENCE.

6<sup>TH</sup>, 8<sup>TH</sup> AND 14<sup>TH</sup> U.S.C.A. RIGHT VIOLATIONS

8.) THE DEFENDANTS REPORT DOCUMENT SEVERAL DELIBERATE MISINTERPRETATIONS OF THE FACTS, I QUOTE. MR LEWIS WAS PRESCRIBED NO PSYCHOTROPIC MEDICATION, AS THERE WAS NO EVIDENCE OF MOOD DISORDER, AND NO EVIDENCE OF PSYCHOSIS, UNQUOTE. PAGE 5 OF 6 OF SAID JUNE 10, 04 REPORT. SUBSEQUENTLY, DEFENDANT HAS OPENLY ADMITTED VIA DISCOVERY OF ~~AN~~ INVOLUNTARILY ADMINISTERING ATIVAN - GEODON AND HALDOL, HIGHLY DANGEROUS ANTI-PSYCHOTIC MEDICATIONS, EVEN THOUGH DEFENDANT AXIS I DIAGNOSIS OF PLAINTIFF WAS AND OR IS MALINGERING, FOR WHICH ~~WHICH~~ VIOLATES ANY AND ALL ELEMENTS OF MEDICAL APPROPRIATENESS. SEE, RIGGINS V. NEVADA, 504; U.S. 127, 135, 112, S.C.T 1810, 118 L.Ed 2d (1992).

CONT # 8.) 6TH, 8TH AND 14TH U.S. CA RIGHT VIOLATIONS

9.) ON PAGE 6 OF 6, OF DEFENDANTS JUNE 10, 04 REPORT LAST SENTENCE OF PARAGRAPH TITLED "OPINION".

I QUOTE, THESE OPINIONS ARE SUBJECTED TO CHANGE IF ADDITIONAL INFORMATION OR RECORDS BECOME AVAILABLE.

10.) THE PLAINTIFF HEREBY SEEKS AN ORDER TO HAVE DEFENDANT FILE A REPORT WITH ~~QUANTUM~~, THIS HONORABLE COURT, THE PLAINTIFF AS WELL AS WITH THE NEW CASTLE CO. SUPERIOR COURT AND THE SUPREME COURT OF DELAWARE ON PLAINTIFFS CR.10 NO. 0305016966, FOR WHICH IS TO READ AS FOLLOWS:

I DR. SYLVIA FOSTER AM THE FORENSIC PSYCHIATRIST WHOM AUTHORED REPORT DATED JUNE 10, 04 IN THE CASE OF JIMMIE LEWIS, CR.10 NO. 0305016966, DUE HEREBY CERTIFY AFTER REVIEWING SAID CASE, CHANGE MY OPINION IN LIGHT OF ADDITIONAL INFORMATION AND RECORDS THAT HAVE BECOME AVAILABLE TO ME, THAT THE JUNE 10, 04 COMPETENCY REPORT WAS AUTHORED WITH INSUFFICIENT EVIDENCE TO THE DEGREE THAT SAID REPORT IS NOT A RETRO - ACTIVE REVIEW OF MR. LEWIS' INCOMPETENCY AND OR INSANITY AT THE APPROXIMATE TIME OF HIS MAY 26, 03 ARREST, NOR AT THE TIME OF HIS OCT 21-23, 03 TRIAL, AND SHOULD NOT BE JUDICIALLY RELIED UPON TO SECURE ANY OF MR. LEWIS' MENTAL HEALTH CONTENTIONS THAT MR. LEWIS' MAY HAVE RAISED VIA APPEAL PROCEDURE, ~~HOWEVER~~; DUE TO THE DIAGNOSIS OF MALINGERING NOT BEING RETRO ACTIVE TO 11/17/03. I HEREBY CHANGE SAID DIAGNOSIS TO INCONCLUSIVE, TO THE DEGREE THAT MR. LEWIS WAS NOT MALINGERING.

CERTIFICATE OF SERVICE


I, THE UNDERSIGNED PLAINTIFF JIMMIE LEWIS  
DOE HEREBY CERTIFY ON THIS 22ND DAY OF AUG,  
2008, THAT I DID MAIL ONE TRUE AND CORRECT COPY  
OF PLAINTIFF " MOTION FOR DECLATORY OR INJUNCTIVE  
RELIEF PURSUANT TO FED R. CIV P# 57 AND 65,  
SPECIFICALLY FOR DEFENDANT DR. SYLVIA FOSTER ONLY,  
TO EACH OF THE FOLLOWING:

CLERK OF THE COURT (GMS)  
U.S. DISTRICT COURT  
844 N. KING ST, LOCKBOX 18  
WILM, DE 19801

JOSEPH C. SCHOELL ESQ  
WILM TRUST CENTER  
SUITE 1001  
1100 N. MARKET ST  
WILM, DE 19801

LOUIS J. RIZZO JR, ESQ  
1001 JEFFERSON PLAZA  
SUITE 202  
WILM, DE 19801

DATE: 8/22/08

  
JIMMIE LEWIS  
SOI # 506622  
J.T.V.C.C  
1181 PADDOCK RD  
SMYRNA, DE 19977



## EXHIBIT (A)

admission staff and follow Delaware Psychiatric Center procedures.

Within 72 hours of admission, the forensic team of Mitchell will screen all forensic patients and prepare the initial treatment plan.

### **Court Committed For Pre-Trial Or Pre-Sentence Evaluation**

These patients may come directly from court or be transferred in from prison. These patients can not be housed in psychiatric units other than Mitchell Building unless they are on probation status or court ordered to a particular unit by the court. The day-to-day treatment for forensic patients assigned to areas other than Mitchell Building belongs to the Treatment Service where the patient is housed for their care and treatment.

### **Court Committed After Being Found Not Guilty By Reason Of Insanity**

This type of patient may be transferred by a court order to another Treatment Service on the grounds of Delaware Psychiatric Center if it is determined that they no longer need the security of the Mitchell Building. In such cases, the new Treatment Service assumes the responsibility for care and treatment.

### **Court Committed After Being Found Guilty But Mentally Ill**

This type of patient remains under the jurisdiction of the Department of Corrections and upon stabilization and with the court's approval would be sent to prison to complete his or her sentence.

### **Court Committed After Being Found Unfit Or Incompetent To Stand Trial, Incompetent To Stand Sentencing, Etc.**

Such patients are committed for treatment for their indicated incompetence and can be transferred by a court order to another treatment area if they do not require the security of the Mitchell Building. In such cases, the new Treatment Service assumes the responsibility of planning and treatment. If competency later ensues, the patient will go for trial and/or the disposition of his/her court case.

### **Court Committed From Prison After The Prisoner Becomes Mentally Ill While Imprisoned And Found In Need Of Inpatient Psychiatric Treatment.**

Such prisoners will be returned to the custody of the department of corrections upon stabilization in a manner indicated by a court order.

### **Municipal And Family Court Committed Patients Who Have Been To Court And Needs Continued Psychiatric Hospitalization On A Civil Or Voluntary Commitment Status**

These patients may be approved by the Court to be transferred out of the Mitchell Building within five (5) days following the change of status.

### **TREATMENT PLANNING**

The central focus of the treatment for each patient is individualized treatment plan meeting held at specific intervals. The patient is actively involved in these meetings and is encouraged to participate in the development of the plan. Input is received from all



SATURDAY, JULY 5, 2003



AKIRA ONO/ASSOCIATED PRESS

145-pound Takeru Kobayashi of Japan, right, eating contest at Coney Island yesterday. Seated third, and Charles Hardy of Brooklyn.

Booker, a Celebrity contestant William Perry, was out-classed by the assembled chowhounds. The 410-pound former NFL star dropped out of the competition after just five minutes, with only four hot dogs finished.

## NEWS BRIEFS

### Three Injured In Jump from burning boat

BRICK: Three people suffered minor burns and two others escaped injury when all five jumped from a boat that caught fire in the Barnegat Bay near the Metedeconk River yesterday, Brick Township police said.

The boat was about 30 yards out from an Ocean County marina about 4:30 p.m. when flames engulfed the craft, possibly the result of an explosion, said Sgt. Craig Lash.

All five boaters were rescued, the sergeant said. The boat, which was gutted, drifted to shore and beached itself.

### Public is asked to help find missing Newark man

NEWARK: Police are seeking the public's assistance in finding a city resident who suffers from schizophrenia and a bipolar disorder.

Jimmie Lewis Jr., 36, talked last with his mother by telephone on May 19, but wasn't reported missing until June 25, said

Lt. Derek Glenn, a city police spokesman.



LEWIS

He said Lewis, described as manic depressive, is 6 feet 2 inches, weighs 230 pounds, has brown eyes, black hair and a dark skin.

Glenn said anyone with information should contact police at (973) 733-5172.

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## NATION

	TODAY			TOMORROW		
	HI	LO	W	HI	LO	W
Albuquerque	95	66	pc	94	66	pc
Atlanta	82	69	pc	82	70	t
Baltimore	96	72	pc	92	70	pc
Biloxi, MS	88	77	t	90	79	pc
Boise	90	56	s	88	56	s
Boston	90	68	pc	88	66	s
Branson, MO	94	70	s	90	72	pc
Buffalo	82	62	pc	80	60	pc
Charleston, SC	90	74	pc	90	74	pc

## WILMINGTON DEPARTMENT OF POLICE

## Detainee Assessment / Property Receipt

(C)  
~~RECEIVED~~

Detainee's Name: Lewis, Jimmie Case #: 30-03-  
Last, First Middle

Charges: Carjacking, Theft Arresting Officer: E. Godwin  
 Additional Officer: J. Santana

Detainee's Physical Condition: OK ☒ Other ☐

Explain: (Body deformities/Bruises/Sutures): \_\_\_\_\_

Medication: Yes ☒ No ☐ Type: PSYCHOTROPIC  
THORAZINE, DEPAKOTE, VIOSTARIL, RISPERDAL

## Unusual Behavior:

Explain: DETAINEE STATED THOUGHTS OF SUICIDE,  
TRANSFERRED TO M.P.C.J.F INFIRMARY

## Detainee's Property

## Seized as Evidence

Currency/Coin U.S. Currency: 7.00  
 U.S. Coin: 2.26  
 Total: 9.26

U.S. Currency: \_\_\_\_\_  
 U.S. Coin: \_\_\_\_\_  
 Total: \_\_\_\_\_

(Have detainee initial next to totals)

Clothing: BELT, WALLET WITH SS. CARD, LICENCES (NJ).

Jewelry: NECKLESS WITH EGYPTION CROSS, DEVIL HORNS AND  
CAT EYE CONTACT LENSES

Miscellaneous: 3 SETS OF KEYS (ONE SET VICTIMS)  
PSYCH TREATMENT PLAN

Joseph M. [Signature]  
 Officer Receiving Property

05/26/03  
 Date

06 21 hours  
 Time

Transporting Officer: Op 2 [Signature] Date \_\_\_\_\_

\_\_\_\_\_ hours  
 Time

I, \_\_\_\_\_, have received the above property from the Wilmington Department of Police, which was taken from me on the above date. \_\_\_\_\_ hours.

Date

Time

Northern State Prison-Main  
PO Box 2300 Newark, NJ

Page 1

Chart Document  
December 21, 2001

~~CONFIDENTIAL~~  
EXHIBIT D, P.1

JIMMY LEWIS Inmate Housing Location: Northern State Prison-Main  
Male DOB: 12/23/1966 SFI #: 000369795E Booking #: 285938

12/20/2001 - Internal Other: MH Treatment Plan: Update  
Provider: Bernice M. Frinch, LCSW  
Location of Care: Northern State Prison-Stabilization Unit  
This document contains confidential information

**Current Problems:**

HYPERTENSION, UNSPECIFIED (ICD-401.9)  
ANTISOCIAL PERSONALITY DISORDER (A2) (DS4-301.7)  
R/O SCHIZOAFFECTIVE DISORDER (A1) (DS4-295.70)  
R/O BIPOLAR DISORDER NOS (A1) (DS4-296.80)

**Current Medications:**

VISTARIL CAPS 100 MG (HYDROXYZINE PAMOATE) Take 1 cap po HS prn Start 11/30/01 End 12/30/01  
DEPAKOTE 500 MG 1 tab in am & 2 tabs @ hs x 15 days  
RISPERDAL 1 MG 1 tab bid x 15 days  
THORAZINE TABS 100 MG (CHLORPROMAZINE HCL) Take 1 tab po Q6h prn agitation

Housing: SU

**Strengths and Limitations**

Communication good  
Medication Compliance good  
Supportive Relationship fair  
Physical Health fair  
Social Skills poor  
Estimated Literacy level fair  
Insight fair  
Motivation for treatment fair  
ADL competencies good  
Substance Abuse History Hx of drug abuse  
Suicide History Hx suicide attempts and ideation

**New Problems**

Axis IV  
Patient has a problem with social environment, criminal and legal system.

**Treatment Goals and Modalities**

Thought to injure oneself

**Problem Definition:**

Reoccurrence thought to hurt self evidenced by verbal threat.

**Treatment Goals:**

Inmate will not hurt other  
Inmate will learn new techniques to deal with his upset.  
Inmate will eliminate acting out behaviors such as self-harm suicidal threats.

**Treatment Modalities:**

Psychiatrist will provide daily counseling and medication assessment.  
Social worker will provide daily counseling and group session

Northern State Prison-Main  
Box 2300 Newark, NJ

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Page 2  
Chart Document  
December 21, 2001

JIMMY LEWIS Inmate Housing Location: Northern State Prison-Main  
Male DOB: 12/27/1966 SSN: 000323796B Booking #: 285903

Daily individual counseling by psychologist.

**Thought to injure others**

**Problem Definition:**

Reoccurrence thought to hurt other evidenced by verbal threats and and argumentative behavior.

**Treatment Goals:**

Inmate will not hurt other.

Inmate will attend anger management session.

Inmate will demonstrate effective communication skills without threat to hurt other.

**Treatment Modalities:**

Daily contacts with psychiatrist for medication assessment and prescription.

Daily group session with social worker and focus on anger management.

Daily individual counseling session with psychologist

**Additional Notes:** Inmate states that he want individual therapy to deal with his attitude because it has become an issues which has prevented him from making choices. He states he is beginning to make threats to solve problem,.

Outpatient treatment plans must have social worker, psychiatrist, psychologist, and inmate signatures.

OT \_\_\_\_\_ Date \_\_\_\_\_

SW \_\_\_\_\_ Date \_\_\_\_\_

Psychologist \_\_\_\_\_ Date \_\_\_\_\_

Psychiatrist \_\_\_\_\_ Date \_\_\_\_\_

RN \_\_\_\_\_ Date \_\_\_\_\_

Officer \_\_\_\_\_ Date \_\_\_\_\_

*Jimmy Lewis* 12/21/01  
Inmate \_\_\_\_\_ Date \_\_\_\_\_

Signed by Bernice M. Frinch, LCSW on 12/20/2001 at 10:32 PM



EXHIBIT (E)

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Delaware Psychiatric Center  
Forensic Unit  
(Jane E. Mitchell Building)

Forensic Psychiatric Evaluation

Examinee: Jimmy Lewis ID #: 0305016966  
Date of Birth: 25 December 1966 (Current Age: 38)  
Examiner: Sylvia Foster, M.D.  
Period of Evaluation: 21 May 2004 - present  
Date of Report: 10 June 2004

REASON FOR EVALUATION:

Mr. Lewis was referred to The Delaware Psychiatric Center (DPC) for forensic psychiatric evaluation by *Motion and Order* of the Honorable Charles H. Toliver, In the Superior Court, of the State of Delaware, In and For New Castle County, on 1 December 2003, to determine his competency to stand trial and to obtain treatment for his own well-being.

NOTIFICATION:

✓ Upon admission to the Forensic Unit, Mr. Lewis was informed that he was being evaluated by Court Order, and that the results of all evaluations performed during this admission would not remain confidential, but would be disseminated to the Court, the prosecution, and his attorney.

EXAMINER:

Medical Doctor specializing in Psychiatry with Board Certification, sub-specializing in Forensic Psychiatry

LIST OF CHARGES:

Carjacking 2<sup>nd</sup> Degree  
Theft \$1000 or greater  
Resisting Arrest

SOURCES OF INFORMATION:

Face-to-face interview with Mr. Lewis on 21 May 2004 and various times thereafter  
on the Forensic Unit at DPC  
Superior Court Criminal Docket

Seven page statement by Mr. Lewis regarding his social and legal history and his account of the crime, undated

Medical Records, Delaware Psychiatric Center, 21 May 2004 – present

Medical Records, First Correctional Medical (FCM), 5 March 2003 – 31 March 2004

Case Charge List

Complaint and Warrant

Exhibit A & B

Charge History Record

Letter from Donald Napolin, LSCW, to The Honorable Charles H. Toliver, 5 May 2004

#### CURRENT MEDICATIONS:

Seroquel 50 mg twice daily for anger management and impulse control

Atenolol 25 mg daily for hypertension

#### BACKGROUND INFORMATION:

Mr. Lewis was a 38-year-old African American male who presented to the Mitchell Building based on an evaluation by Dr. Joshi, a prison psychiatrist. Dr. Joshi described Mr. Lewis on 27 May 2003 as "psychotic and delusional, a danger to self and others, refusing to take medication." He had assaulted a Correctional Officer, and was transferred to the infirmary. Mr. Lewis was described as saying, "I can't distinguish between right and wrong. I am hearing voices telling me to hurt myself and I'm seeing shadows."

Mr. Lewis had been incarcerated on 17 November 2003 and convicted of Carjacking, Theft and Resisting Arrest. According to the police report, Mr. Lewis was picked up by a male driver who was out looking for a male companion for the evening. Mr. Lewis allegedly attempted to rob the driver, at which point the driver jumped out of the vehicle in fear, and Mr. Lewis drove off with the car. He allegedly resisted arrest when caught, and was identified by the driver as the person who stole his car.

According to FCM records, Mr. Lewis was "flirtatious" at times, and had to be redirected for asking personal questions of the mental health examiner. She confronted his "narcissism and attention-seeking behaviors," and questioned the diagnosis of Schizophrenia that had been given him by the physician. Mr. Lewis refused all medication, requesting only Xanax and Valium (highly addictive drugs of the Benzodiazepine family). He asked for art materials, and pornography, stating that these items would be very helpful. He presented with, "broad mood and good eye contact, with no suicidal, homicidal ideation and no auditory or visual hallucinations." He was frequently argumentative and loud. He was observed wearing "paper horns," saying, that they made him feel more comfortable. "It helps me deal with whatever I'm going through. The horns are like a mask. If I deal with these things within me, I'll be a better person, being unjustly accused." He was also described as calm and controlled. He spoke of hearing voices but stated, "I don't know whether it's voices or just my

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Forensic Psychiatric Evaluation: Jimmy Lewis

10 June 2004, Page 3 of 6

thoughts." Mr. Lewis stated later that he wore the paper horns and the cat's eye contact lenses for the "scars" factor.

Not much is known about Mr. Lewis' legal history as he is from out of state. However, he said that he had been in prison for six or seven years in New Jersey, from about 1993 to 2000. He added that he had been sentenced to six years for Robbery, "I pick-pocketed somebody," but his jail time had been prolonged for fighting.

Mr. Lewis had no psychiatric history. He saw a counselor as a child in New Jersey where he grew up. At first he said he didn't remember why, but shortly thereafter remembered that it was because his mother had become involved in a Lesbian relationship. "I didn't approve of it and I voiced my opinion to her, and I started misbehaving. I didn't like the lady and I didn't like the idea of the relationship." He went on to explain, "I might have accepted it if it had been presented to me differently, but I saw this lady actually twist my mother's arm to tell me about the [Lesbian nature of the] relationship. I had thought they were just close friends." Mr. Lewis' mother told the team social worker that he had been attention-seeking as a youth, and that he felt no one ever paid enough attention to him. She said he always felt that whatever someone was doing, they should stop, and attend to his needs. He blamed his mother for his current problems due to her homosexual affair. His parents had separated when Mr. Lewis was two years old, at which time Mr. Lewis' father had gone to live in North Carolina.

Mr. Lewis stated that he had been employed in construction and as a porter. "Whatever job was open, I was doing it." However, he added, "I've been fired more than ten times." The longest job he ever held was three months. "I would always argue, or go in late, and I'd get fired." He admitted to selling drugs off and on. "That's what I had to do to have money. Then I got to selling bootleg CD's and DVD's."

~~Mr.~~ Lewis dropped out of the tenth grade, but later obtained a GED. He changed that idea later, and said that he had a high school diploma. His mother maintained that he actually had a GED. He said, "She thought wrong." He attended the American Business Institute, but did not stay long, ending up owing them money. He related that he had been attending commercial drivers' school to drive eighteen-wheelers just prior to his incarceration. "It was going to be my first job; Poland Springs was going to hire me."

Mr. Lewis stated that he been shot by a police officer ten years ago, with gunshot wounds to the left hip and left arm. He had history of hypertension for which he was being medicated, and history of kidney infection. He had no other significant medical or surgical history.

Mr. Lewis had never married, stating, "Every time I get into a relationship, we always argue." He was with one girlfriend off and on for eight years.

He reported that he began drinking alcohol in his teens, with his last use just prior



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Forensic Psychiatric Evaluation: Jimmy Lewis

10 June 2004, Page 4 of 6

use. He also admitted to smoking marijuana sixteen years ago, but denied all other illicit drug use. It was considered probable that he was minimizing his addiction issues

#### HOSPITAL COURSE:

Mr. Lewis became verbally unresponsive, selectively mute, and categorically refused to answer any questions on the day of admission. He also refused the initial physical examination. Later the same day, Mr. Lewis was observed interacting in a normal manner on the unit. Several days later, the initial examinations were completed without problem. He eventually explained that he had not felt like speaking on the first day.

Mr. Lewis' hospital course has been complicated by his aggressive, assaultive behavior. He was overheard making physical threats, observed taunting and laughing at his peers, taking pleasure in embarrassing them, and was

He complained of hearing voices sporadically but displayed no evidence of preoccupation with internal stimuli when he believed he was not being observed.

The team psychologist described Mr. Lewis in the following manner in the anger management group: arrogant, disruptive and instigating. While the other older patients tried to have a calming influence, Mr. Lewis displayed no sense of boundaries or respect for authority. She added that there was nothing odd or bizarre about his behavior that would suggest a psychotic disorder. Other therapists noted that he was disruptive in the group setting, talking out of turn, and making obscene comments while watching educational videos. When evaluated by the team, he made it clear that he would rather be at DPC rather than in jail in order to "get some help." When asked what help he needed, or what we could do for him, he answered he didn't know.

One staff member stated that she found Mr. Lewis to be engaging, intelligent and articulate, but noted his sense of entitlement, and his demand that things be done his way. Mr. Lewis stated that he needs to do "outlandish things" to get attention, such as wearing paper horns and wearing his cat's eye lenses. It was explained to him that he would not be allowed to wear his paper horns at any time while at DPC, after he placed them on his head at one point. He understood, and did not attempt to wear them again. He was noted to attempt to intimidate one female therapist by facing her in the hallway and stating, "I just want to get my point across that whatever you said about me in team meeting was wrong and derogatory."

On 6/7/04, a special meeting with Mr. Lewis was called to address his grossly inappropriate behavior on the unit the night before. He was angered by not receiving a certain salad at dinner to which he believed he was entitled, and assaulted a peer and a staff member, escalating to the point where he was difficult to redirect. In summary, he was noted to be disruptive in the group setting, to taunt his peers, to intimidate and flirt with therapists, and to make obscene comments. There were reports to the contrary by other staff members who reported that Mr. Lewis was cooperative and helpful in the milieu, tending to get loud and demanding at times when he felt his needs were not being met in a timely fashion.



Initially, Mr. Lewis was prescribed no psychotropic medication, as there was no evidence of a mood disorder, and no evidence of psychosis. However, Seroquel was begun after it became evident that Mr. Lewis had difficulty managing his anger, and controlling his impulses.

#### CURRENT MENTAL STATUS EXAM:

Mr. Lewis presented with shaved head, and was appropriately dressed. He was cooperative, and able to sit quietly for the examination with no abnormal motor activity. His speech was normal in rate, tone and volume, and there was no evidence of loud, pressured speech. He stated that his mood was "sensitive, and easily irritated." His affect was full range. His thought processes, assessed by the verbalizations of his thoughts and feelings, were goal directed; there was no evidence of loosening of associations or tangentiality. His thought content displayed no delusions. He was not thinking about suicide, although he maintained that he had been thinking about it. "But I don't really want to do it." He was not thinking about hurting others, and stated, "I'm not on the defensive unless there's a reason." He denied obsessions, compulsions, racing thoughts, paranoia, delusions, special powers, hyper-religiosity, and grandiosity. His cognitive functions were intact grossly. His insight and judgment were considered intact.

#### COMPETENCY ASSESSMENT:

Mr. Lewis was presented the questions to the McGarry Criteria as cited in State of Delaware v. Joseph A. Shields, 593 A.2<sup>nd</sup>, 986 (Del. Super. 1990), p. 1000. Based upon the present examination, Mr. Lewis demonstrated that he does have sufficient present capacity to consult with an attorney with a reasonable degree of rational understanding of court procedures. He is fully able to understand the nature of the proceedings against him, to give evidence in his own defense and to instruct counsel on his behalf.

It should be noted that Mr. Lewis handed out a highly articulate, well-written explanation of his actions on the day of the alleged crime. It reveals a high level of education and intelligence, and highlights his excellent ability to give evidence in his own defense and to instruct counsel on his behalf.

#### DIAGNOSIS:<sup>1</sup>

Axis I:	Malingering; Alcohol Abuse; History of Conduct Disorder
Axis II:	Antisocial Personality Disorder
Axis III:	Hypertension
Axis IV:	Psychosocial and Environmental Problems: Incarceration
Axis V:	Global Assessment of Functioning (GAF) Scale (1 – 100): 50 Serious impairment in social and occupational functioning

<sup>1</sup> American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision. Washington, DC, American Psychiatric Association, 2000.

OPINION:

The opinions expressed in this report are held with a reasonable degree of medical certainty, and are based upon the direct examination of Mr. Lewis, the observations reported by staff and therapists on the Forensic Unit, and the previous reports and records available for review. These opinions are subject to change if additional information or records become available.

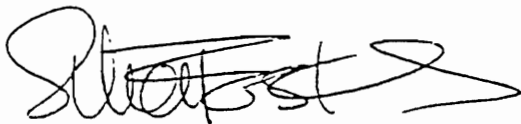
Assessment:

The essential feature of Malingering is the intentional production of false or grossly exaggerated physical or psychological symptoms, motivated by external incentives such as getting out of prison into a psychiatric unit. Malingering should be strongly suspected in the presence of Antisocial Personality Disorder.

Mr. Lewis demonstrated no evidence of a mood disorder or psychosis during his admission to DPC, and it is not likely that he ever had Schizophrenia or any other chronic psychotic disorder.

SUMMARY OF OPINIONS AND RECOMMENDATIONS:

1. Mr. Lewis is psychiatrically stable and can be returned to prison.
2. It is my opinion that Mr. Lewis is competent to stand trial.
3. It is my opinion that, as in the case of many people with Antisocial Personality Disorder, Mr. Lewis may need to remain on his medication to help with anger management and impulse control
4. Any threats made by Mr. Lewis to harm himself or others should be taken seriously as he is highly manipulative and will stop at little to obtain his goals.



Sylvia Foster, M.D.  
Forensic Psychiatrist

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE  
IN AND FOR NEW CASTLE COUNTY

STATE OF DELAWARE

EXHIBIT (F)

VS.

JIMMY LEWIS

Alias: No Aliases

DOB: 12/25/1966

SBI: 00506622

CASE NUMBER:  
0305016966

CRIMINAL ACTION NUMBER:  
IN03-06-0175  
CARJACKING 2ND (F)  
IN03-06-0176  
THEFT \$1000 OR> (F)  
IN03-06-0177  
RESIST ARREST (M)

SENTENCE ORDER

NOW THIS 11TH DAY OF FEBRUARY, 2005, IT IS THE ORDER OF  
THE COURT THAT:

The defendant is adjudged guilty of the offense(s) charged.  
The defendant is to pay the costs of prosecution and all  
statutory surcharges.

AS TO IN03-06-0175- : TIS  
CARJACKING 2ND

Effective May 26, 2003 the defendant is sentenced  
as follows:

- The defendant is placed in the custody of the Department  
of Correction for 5 year(s) at supervision level 5

Probation is concurrent to any probation now serving.

AS TO IN03-06-0176- : TIS  
THEFT \$1000 OR>

- The defendant is placed in the custody of the Department  
of Correction for 2 year(s) at supervision level 5

- Suspended after serving 1 year(s) at supervision level 5

STATE OF DELAWARE  
VS.  
JIMMY LEWIS  
DOB: 12/25/1966  
SBI: 00506622

- For 1 year(s) supervision level 4 PLUMMER CENTER
- Suspended after serving 6 month(s) at supervision level 4 PLUMMER CENTER
- For 6 month(s) supervision level 3
- Hold at supervision level 5
- Until space is available at supervision level 4 PLUMMER CENTER

Probation is concurrent to any probation now serving.

AS TO IN03-06-0177- : TIS  
RESIST ARREST

- The defendant is placed in the custody of the Department of Correction for 1 year(s) at supervision level 5
- Suspended for 1 year(s) at supervision level 2

Probation is concurrent to any probation now serving.



SPECIAL CONDITIONS BY ORDER

STATE OF DELAWARE  
VS.  
JIMMY LEWIS  
DOB: 12/25/1966  
SBI: 00506622

CASE NUMBER:  
0305016966

The defendant shall pay any monetary assessments ordered during the period of probation pursuant to a schedule of payments which the probation officer will establish.

Have no contact with Patrick Geer

Defendant shall successfully complete anger management, counseling, treatment program.

The defendant shall undergo mental health evaluation and follow recommendation for counseling and treatment.

NOTES

Aggravating Circumstances - 2 or more violent felonies -  
Lack of Remorse

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JUDGE PEGGY L ABLEMAN

FINANCIAL SUMMARY

STATE OF DELAWARE  
VS.  
JIMMY LEWIS  
DOB: 12/25/1966  
SBI: 00506622

CASE NUMBER:  
0305016966

SENTENCE CONTINUED:

TOTAL DRUG DIVERSION FEE ORDERED	
TOTAL CIVIL PENALTY ORDERED	
TOTAL DRUG REHAB. TREAT. ED. ORDERED	
TOTAL EXTRADITION ORDERED	
TOTAL FINE AMOUNT ORDERED	
FORENSIC FINE ORDERED	
RESTITUTION ORDERED	
SHERIFF, NCCO ORDERED	
SHERIFF, KENT ORDERED	
SHERIFF, SUSSEX ORDERED	
PUBLIC DEF, FEE ORDERED	50.00
PROSECUTION FEE ORDERED	100.00
VICTIM'S COM ORDERED	
VIDEOPHONE FEE ORDERED	3.00
<hr/>	
TOTAL	153.00

AGGRAVATING-MITIGATING

STATE OF DELAWARE  
VS.  
JIMMY LEWIS  
DOB: 12/25/1966  
SBI: 00506622

CASE NUMBER:  
0305016966

AGGRAVATING  
LACK OF REMORSE

**EXHIBIT (6)**SUPERIOR COURT CRIMINAL DOCKET  
( as of 07/16/2008 )

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State of Delaware v. JIMMY LEWIS DOB: 12/25/1966  
 State's Atty: BRIAN J ROBERTSON , Esq. AKA: EMMANUEL E ELDER  
 Defense Atty: JOHN S EDINGER , Esq. EMMANUEL E ELDER

Assigned Judge:

## Charges:

Count	DUC#	Crim.Action#	Description	Dispo.	Dispo. Date
001	0305016966	IN03060175R3	CARJACKING 2ND	GLTY	10/23/2003
002	0305016966	IN03060176R3	THEFT \$1000 OR>	GLTY	10/23/2003
003	0305016966	IN03060177R3	RESIST ARREST	GLTY	10/23/2003

No.	Event Date	Event	Judge
1	06/03/2003	CASE ACCEPTED IN SUPERIOR COURT. ARREST DATE: 05/26/2003 PRELIMINARY HEARING DATE: 060203 BAIL: SECURED BAIL-HELD NO CONDITION	12,000.00 100%
2	06/30/2003	INDICTMENT, TRUE BILL FILED.NO 6 SCHEDULED FOR CASE REVIEW AND ARRAIGNMENT 07/28/03 AT 9:00	
3	07/03/2003	ACKNOWLEDGEMENT OF RECEIPT OF DISCOVERY RESPONSE. JOHN EDINGER	
4	07/14/2003	SUMMONS MAILED.	
	07/28/2003	CASE REVIEW & ARRAIGNMENT CALENDAR: SET FOR FINAL CASE REVIEW. DATE: 8/18/03 @ 9:00	COOCH RICHARD R.
6	08/12/2003	DEFENDANT'S LETTER FILED.	
	08/18/2003	FINAL CASE REVIEW: NO PLEA/SET FOR TRIAL_10/21/2003.	GEBELEIN RICHARD S.
5	08/18/2003	ORDER SCHEDULING TRIAL FILED. TRIAL DATE: 10/21/03 CASE CATEGORY: 2 ASSIGNED JUDGE (CATEGORY 1 CASES ONLY): UNLESS THE COURT IS ADVISED WITHIN 2 WEEKS OF THE UNAVAILABILITY OF NECESSARY WITNESSES, THE COURT WILL CONSIDER THE MATTER READY FOR TRIAL. ABSENT EXCEPTIONAL CIRCUMSTANCES, RESCHEDULING OR CONTINUANCE REQUESTS WILL BE DENIED.	
8	08/29/2003		



SUPERIOR COURT CRIMINAL DOCKET  
( as of 07/16/2008 )

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State of Delaware v. JIMMY LEWIS DOB: 12/25/1966  
 State's Atty: BRIAN J ROBERTSON , Esq. AKA: EMMANUEL E ELDER  
 Defense Atty: JOHN S EDINGER , Esq. EMMANUEL E ELDER

No.	Event Date	Event	Judge
		DEFENDANT'S LETTER FILED.	
12	09/30/2003	DEFENDANT'S LETTER FILED.	
7	10/06/2003	SUBPOENA(S) MAILED.	
9	10/07/2003	DEFENDANT'S LETTER FILED.	
13	10/07/2003	STATE'S WITNESS SUBPOENA ISSUED.	
22	10/10/2003	DEFENDANT'S LETTER FILED.	
15	10/14/2003	MOTION FOR DISCOVERY AND MOTION TO SUPPRESS FILED PROSE. REFERELL MEMO (RULE 47) SENT TO P.D. OFFICE TO MR. EDINGER.	
16	10/14/2003	DEFENDANT'S LETTER FILED. TO: J. EDINGER LETTER REFERRED TO COUNSEL	
10	10/15/2003	DEFENDANT'S LETTER FILED.	
11	10/15/2003	DEFENDANT'S LETTER FILED.	
14	10/17/2003	REFERRAL TO COUNSEL MEMORANDUM FILED. ATTACHING LETTER/DOCUMENT FROM DEFENDANT. REFERRED TO DEFENSE COUNSEL AS ATTORNEY OF RECORD. COPY OF DEFENDANT'S LETTER NOT REVIEWED BY THE COURT AND NOT RETAINED WITH THE COURT'S FILE. PLEASE ADVISE YOUR CLIENT THAT FURTHER COMMUNICATIONS REGARDING THIS CASE SHOULD BE DIRECTED TO YOU. J. EDINGER REFERRED BY: S. NAPIER	
18	10/20/2003	STATE'S WITNESS SUBPOENA RETURNED	
17	10/21/2003	TRIAL CALENDAR- WENT TO TRIAL JURY	ABLEMAN PEGGY L.
19	10/21/2003	JURY TRIAL HELD 10/21/03, 10/22/03, AND 10/23/03. JURY SWORN IN 10/21/03 AT 3:10 P.M. 10/22/03 DEFENSE MOTION FOR ACQUITTAL ON ALL 3 COUNTS. MOTION DENIED ON ALL 3 COUNTS. JURY FOUND DEFENDANT GUILTY OF CARJACKING 2ND (0175), THEFT (0176) AND RESISTING ARREST (0177). PSI ORDERED. SENTENCING SCHEDULED FOR 12/5/03 AT 9:30 A.M.	ABLEMAN PEGGY L.

SUPERIOR COURT CRIMINAL DOCKET  
( as of 07/16/2008 )

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State of Delaware v. JIMMY LEWIS DOB: 12/25/1966  
 State's Atty: BRIAN J ROBERTSON , Esq. AKA: EMMANUEL E ELDER  
 Defense Atty: JOHN S EDINGER , Esq. EMMANUEL E ELDER

No.	Event Date	Event	Judge
		1 COURT EXHIBIT. GAVE TO EDGAR JOHNSON TO PUT IN VAULT. AG/ROBERTSON - PD/EDINGER - CR/FELDMAN, DONNELLY & MAURER - CC/CARUSO. JUDGE HERLIHY TOOK THE VERDICT FOR JUDGE ABLEMAN	
24	10/21/2003	LETTER FROM: MARGOT R. MILLAR, OFFICE OF DISCIPLINARY COUNSEL TO: DEFENDANT. RE: DISCIPLINARY COMPLAINT AGAINST DEFTS. COURT APPOINTED ATTY. *SEE FULL LETTER IN FILE*	
20	10/23/2003	CHARGE TO THE JURY FILED.	ABLEMAN PEGGY L.
21	10/23/2003	VOIR DIRE QUESTIONS FILED. STATE'S PROPOSED VOIR DIRE.	
23	11/04/2003	LETTER FROM SUPREME COURT TO JIMMY LEWIS RE: THE SUPREME COURT IS IN RECEIPT OF YOUR LETTER DATED OCTOBER 24, 2003. THE SUPREME COURT IS AN APPELLATE COURT WHICH RECEIVES APPEALS AND RELATED DOCUMENTS FILED PURSUANT TO SUPREME COURT RULES. ACCORDING TO THE SUPREME COURT RECORDS, YOU DO NOT HAVE AN APPEAL PENDING AT THIS TIME. BY COPY OF THIS LETTER I AM PROVIDING COPIES OF YOUR LETTER TO YOUR ATTORNEY, AND THE DEPUTY ATTORNEY GENERAL, THE PROTHONOTARY.	
25	11/14/2003	MOTION FOR PSYCHOLOGICAL/PSYCHIATRIC EXAM FILED. BY JOHN S EDINGER JR,ESQ REFERRED TO JUDGE TOLIVER-OFFICE JUDGE SENT UP (11/24/03)	
26	12/01/2003	ORDER: ORDERED THAT JIMMY LEWIS THE DEFENDANT, BE TRANSFERRED TO THE DELAWARE STATE HOSPITAL FOR PSYHIATRIC EVALUATION FOR THE PURPOSE OF DETERMINING COMPETENCY, AND TO OBTAIN TREATMENT FOR HIS OWN WELL-BEING AS SOON AS DELAWARE STATE HOSPITAL NOTIFIES GANDER HILL OF AN AVAILABLE OPENING, JIMMY LEWIS IS TO BE TRANSPORTED AND EVALUATED.	TOLIVER CHARLES H. IV
27	12/03/2003	MOTION FOR TRANSCRIPT FILED PROSE. REFERRED TO JUDGE ABLEMAN. * NOTE FROM CHAMBERS-JUDGE REVIEWED BOTH LETTERS 12/22/03 NO ACTION NEEDED. AMH	
28	12/16/2003	DEFENDANT'S LETTER FILED.	
29	01/13/2004	DEFENDANT'S LETTER FILED.	
30	03/01/2004	LETTER FROM: JOHN S. EDINGER, ESQ.	TO: JUDGE ABLEMAN

SUPERIOR COURT CRIMINAL DOCKET  
( as of 07/16/2008 )

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State of Delaware v. JIMMY LEWIS DOB: 12/25/1966  
 State's Atty: BRIAN J ROBERTSON , Esq. AKA: EMMANUEL E ELDER  
 Defense Atty: JOHN S EDINGER , Esq. EMMANUEL E ELDER

No.	Event Date	Event	Judge
		RE: ON 12/01/03, THE COURT ORDERED THAT THE DEFENDANT BE TRANSFERRED TO THE DELAWARE STATE HOSPITAL FOR PSYCHIATRIC EVALUATION. TO DATE, HE HAS NOT BEEN TRANSPORTED FOR AN EVALUATION. (LETTER AND FILE REFERRED TO JUDGE ABLEMAN 03/01/04)	
31	03/11/2004	MOTION FOR JUDGMENT OF ACQUITTAL FILED PROSE. REFERRED TO JUDGE ABLEMAN	
32	03/23/2004	LETTER/ORDER ISSUED BY JUDGE: ABLEMAN RE: THE COURT HAS CONSIDERED YOUR PRO SE MOTION FOR JUDGEMENT OF ACQUITTAL. NORMALLY, THE COURT WILL NOT CONSIDER ANY PLEADINGS THAT YOU FILE PRO SE SINCE YOU ARE REPRESENTED BY COUNSEL, JOHN EDINGER. YOU SHOULD CONSULT WITH HIM FOR THE FILING OF ANY MOTIONS OR PLEADINGS IN THIS CASE, YOUR MOTION FOR JUDGEMENT OF ACQUITTAL IS UNTIMELY AND IS THEREFORE HEREBY DENIED. IT IS SO ORDERED JUDGE ABLEMAN.	ABLEMAN PEGGY L.
33	04/19/2004	PETITION FOR A WRIT OF HABEAS CORPUS FILED (PRO SE) REFERRED TO JUDGE CARPENTER. DATE REFERRED: 4/21/04 CIVIL CASE NO: 04M-04-054	
34	04/26/2004	LETTER/ORDER ISSUED BY JUDGE CARPENTER. RE: HABEAS CORPUS PETITION 04M-04-054 IS DENIED. YOUR REQUEST FOR HABEAS CORPUS RELIEF HAS BEEN FORWARDED TO ME FOR A DECISION. A REVIEW OF THE DOCKET IN THIS MATTER CLEARLY INDICATES THAT YOU WERE CONVICTED ON OCTOBER 21, 2003 ON THE CHARGES OF CARJACKING SECOND DEGREE, THEFT, AND RESISTING ARREST AND THE TRIAL WAS PRESIDED OVER BY JUDGE ABLEMAN. IN NOVEMBER, 2003, YOUR COUNSEL, MR. EDINGER, FILED A MOTION FOR A PSYCHIATRIC EXAMINATION WHICH WAS APPROVED BY JUDGE TOLIVER ON DECEMBER 1, 2003. WHILE I APPRECIATE THAT YOU ARE UPSET REGARDING THE DELAY THAT HAS OCCURED WITH REGARD TO THIS EVALUATION, IT DOES NOT PROVIDE YOU WITH A BASIS FOR HABEAS CORPUS RELIEF. SINCE IT IS CLEAR BASED UPON THE ABOVE THAT YOU ARE PRESENTLY BEING HELD CONSISTENT WITH YOUR CONVICTION ON THE ABOVE CHARGES AND YOUR FAILURE TO POST APPROPRIATE BAIL, YOUR REQUEST IS HEREBY DENIED. I WILL FORWARD A COPY OF THIS LETTER TO JUDGE ABLEMAN AND JUDGE TOLIVER SO THAT THEY MAY BE AWARE OF THE DELAY THAT IS OCCURRING. WCC	CARPENTER WILLIAM C. JR.
35	04/26/2004	NOTICE OF SERVICE RE: COPY OF GROUNDS FOR APPEAL	
36	05/07/2004	DEFENDANT'S LETTER FILED.	

SUPERIOR COURT CRIMINAL DOCKET  
( as of 07/16/2008 )

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State of Delaware v. JIMMY LEWIS DOB: 12/25/1966  
 State's Atty: BRIAN J ROBERTSON , Esq. AKA: EMMANUEL E ELDER  
 Defense Atty: JOHN S EDINGER , Esq. EMMANUEL E ELDER

No.	Event Date	Event	Judge
37	05/13/2004	PSYCHOLOGICAL/PSYCHIATRIC REPORT FILED. SUBMITTED BY: DONALD NAPOLIN, MENTAL HEALTH SUPERVISOR AND ORDER REQUESTING DEFENDANT BE TRANSFERED TO MITCHELL BUILDING GRANTED BY JUDGE TOLIVER ON 5-13-04	
38	05/14/2004	DEFENDANT'S LETTER FILED. LETTER REGARDING NAMES AND PLACE EMPLOYMENT OF BAILIFF'S WHO PROVIDED COURT ON 10/21 10/23 FOR A WRIT OF MANDAMUS TO BE FILED. *SEE FULL LETTER IN FILE.	
40	06/16/2004	LETTER FROM DIANNE STACHOWSKI TO JUDGE TOLIVER, REQUESTING DEFT BE TRANSFERED BACK TO DOC.	
39	06/28/2004	PSYCHOLOGICAL/PSYCHIATRIC REPORT FILED. SUBMITTED BY: SYLVIA FOSTER MD COPY SENT TO ATTORNEY AND JUDGE TOLIVER	
41	06/29/2004	LETTER FROM DIANNE STACHOWSKI TO JUDGE TOLIVER REQUESTING DEFENDANT BE TRANSFERRED BACK TO DOC.	
42	07/06/2004	LETTER FROM COMMISSIONER WHITE TO COUNSEL GIVING THEM 10 DAYS TO REQUEST A COMPETENCY HEARING AND INFORMING OF THE SENTENCING DATE OF 8-27-04 AT 9:30 WITH JUDGE TOLIVER.	
43	07/19/2004	MOTION TO DECLARE DEFENDANT AN HABITUAL OFFENDER FILED. BY BRIAN J ROBERTSON,DAG MOTION PUT IN FILE TO BE HEARD AT SENTENCING	
44	07/26/2004	PSYCHOLOGICAL/PSYCHIATRIC REPORT FILED. COPY RECEIVED FROM DEFENDANT LEWIS SEALED BY ORDER OF SUPERIOR COURT	
45	08/02/2004	CONTINUANCE REQUEST FILED BY J EDINGER - GRANTED PER JUDGE ABLEMAN (SENTENCING)	
46	08/09/2004	MOTION TO DISMISS COUNSEL FILED PRO SE. REFERRED TO JUDGE ABLEMAN	
47	08/17/2004	MOTION FOR COMPETENCY HEARING FILED PRO SE. REFERRED TO JUDGE ABLEMAN	
48	08/17/2004	MOTION FOR DISCOVERY FILED PRO SE. REFERRED TO JUDGE ABLEMAN	
49	08/20/2004		ABLEMAN PEGGY L.



SUPERIOR COURT CRIMINAL DOCKET  
( as of 07/16/2008 )

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State of Delaware v. JIMMY LEWIS DOB: 12/25/1966  
 State's Atty: BRIAN J ROBERTSON , Esq. AKA: EMMANUEL E ELDER  
 Defense Atty: JOHN S EDINGER , Esq. EMMANUEL E ELDER

No.	Date	Event	Judge
		LETTER FROM JUDGE ABLEMAN TO JOHN EDINGER, ESQ. RE: STATE V. JIMMIE LEWIS ENCLOSED PLEASE FIND CORRESPONDENCE RECEIVED BY THE COURT FROM THE ABOVE DEFENDANT WHOM YOU REPRESENT. IT IS REFERRED TO YOU FOR SUCH ACTION AS YOU DEEM APPROPRIATE. SUPERIOR COURT RULE 47 PROVIDES IN PERTINENT PART, "THE COURT WILL NOT CONSIDER PRO SE APPLICATIONS BY DEFENDANTS WHO ARE REPRESENTED BY COUNSEL". PLEASE NOTIFY YOUR CLIENT THAT FURTHER CORRESPONDENCE OR MOTIONS SHOULD BE MAILED DIRECTLY TO YOUR OFFICE FOR APPROPRIATE ACTION. THANK YOU.	
50	08/20/2004	LETTER FROM JUDGE ABLEMAN TO JIMMIE LEWIS RE: STATE V. JIMMIE LEWIS I HAVE YOUR MOTION FOR APPOINTMENT OF NEW COUNSEL. THE MOTION IS DENIED. I HAVE REFERRED YOUR MOTION FOR COMPETENCY HEARING TO MR. EDINGER AS SUPERIOR COURT CRIMINAL RULE 47 DOES NOT PERMIT YOU TO FILE PRO SE APPLICATIONS WHEN YOU ARE REPRESENTED BY COUNSEL.	ABLEMAN PEGGY L.
51	08/31/2004	DEFENDANT'S LETTER FILED. TO: JUDGE ABLEMAN REGARDING PRESENTENCE REPORT.	
52	09/07/2004	MOTION FOR NEW TRIAL FILED PRO SE. REFERRED TO COUNSEL	
	09/08/2004	MOTION FOR NEW TRIAL	
53	09/08/2004	REFERRAL TO COUNSEL MEMORANDUM FILED. ATTACHING LETTER/DOCUMENT FROM DEFENDANT. REFERRED TO DEFENSE COUNSEL AS ATTORNEY OF RECORD. COPY OF DEFENDANT'S LETTER NOT REVIEWED BY THE COURT AND NOT RETAINED WITH THE COURT'S FILE. PLEASE ADVISE YOUR CLIENT THAT FURTHER COMMUNICATIONS REGARDING THIS CASE SHOULD BE DIRECTED TO YOU. J. EDINGER REFERRED BY: S. NAPIER	
54	09/21/2004	MOTION TO DECLARE THE DEFENDANT NOT GUILTY BY REASON OF INSANITY FILED PROSE. REFERRED TO COUNSEL OF RECORD.	
55	09/29/2004	REFERRAL TO COUNSEL MEMORANDUM FILED. ATTACHING LETTER/DOCUMENT FROM DEFENDANT. REFERRED TO DEFENSE COUNSEL AS ATTORNEY OF RECORD. COPY OF DEFENDANT'S LETTER NOT REVIEWED BY THE COURT AND NOT RETAINED WITH THE COURT'S FILE. PLEASE ADVISE YOUR CLIENT THAT FURTHER COMMUNICATIONS REGARDING THIS CASE SHOULD BE	

SUPERIOR COURT CRIMINAL DOCKET  
( as of 07/16/2008 )

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State of Delaware v. JIMMY LEWIS DOB: 12/25/1966  
 State's Atty: BRIAN J ROBERTSON , Esq. AKA: EMMANUEL E ELDER  
 Defense Atty: JOHN S EDINGER , Esq. EMMANUEL E ELDER

No.	Event Date	Event	Judge
		DIRECTED TO YOU. JOHN EDINGER	
		REFERRED BY: S. NAPIER	
56	10/08/2004	DEFENDANT'S REQUEST FILED.	
		REQUEST TO HAVE DOCKET ENTRY #54 CORRECTED. ERROR CORRECTED 10/12/04.	
		NOTICE OF REQUESTED CORRECTION SENT TO DEFENDANT.	
57	10/19/2004	NOTICES OF SERVICE (SEVERAL SEE FILE)	
		REQUEST FOR A FULL AND FAIR EVIDENTIARY HEARING TO DETERMINE MATERIAL	
		FACTS TO ALLEDGED DENIALS OF CONSTITUTIONAL RIGHTS.	
59	10/29/2004	NOTICE OF SERVICE	
58	11/02/2004	NOTICE OF SERVICES	
60	11/03/2004	NOTICE OF SERVICES	
61	11/09/2004	NOTICE OF SERVICES.	
62	11/15/2004	NOTICE OF SERVICE	
		APPLICATION FOR CERTIFICATION TO THE SUPREME COURT OF DELAWARE	
63	11/16/2004	NOTICE OF SERVICE	
		DOCUMENTS THE DEFENDANT WANTS THE COURT TO REVIEW.	
64	11/17/2004	NOTICE OF SERVICE	
66	11/19/2004	NOTICE OF SERVICE	
		DOCKET ENTRIES (RULE 55)	
65	11/29/2004	PETITION FOR A WRIT OF HABEAS CORPUS FILED (PRO SE)	
		REFERRED TO JUDGE ABLEMAN, THEN TO JUDGE TOLIVER.	
		DATE REFERRED: 11/30/04	
		CIVIL CASE NO: 04M-11-098	
67	12/03/2004	NOTICE OF SERVICE	
		AS OF TO DATE THE DEFENDANT HAS NOT REVIEWED THE PRE-SENTENCE REPORT	
		AS IT IS REQUIRED BY SUPERIOR COURT CRIMINAL RULE 32(C)(3)	
68	12/10/2004	DOCUMENT(S) FILED REGARDING SUPREME COURT APPEAL.	
		RE: NOTICE OF APPEAL FROM INTERLOCUTORY ORDER.	
69	12/21/2004		

SUPERIOR COURT CRIMINAL DOCKET  
( as of 07/16/2008 )

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State of Delaware v. JIMMY LEWIS DOB: 12/25/1966  
 State's Atty: BRIAN J ROBERTSON , Esq. AKA: EMMANUEL E ELDER  
 Defense Atty: JOHN S EDINGER , Esq. EMMANUEL E ELDER

No.	Event Date	Event	Judge
		DOCUMENT(S) FILED REGARDING SUPREME COURT APPEAL. DIRECTIONS TO COURT REPORTER OF PROCEEDURES BELOW TO BE TRANSCRIBED PURSUANT TO RULE 9 (E)	
70	12/27/2004	LETTER/ORDER ISSUED BY JUDGE TOLIVER. RE: HABEAS PETITION 04M-11-098. I HAVE NOW HAD THE OPPORTUNITY TO REVIEW YOUR PETITION SEEKING THE ISSUANCE OF A WRIT OF HABEAS CORPUS WHICH WAS FILED WITH THE PROTHONOTARY ON NOVEMBER 29, 2004. IT IS UPON THAT REVIEW THAT I MUST DECLINE THE RELIEF YOU SEEK. MORE SPECIFICALLY, YOUR PETITION SEEMS TO COMPLAIN THAT YOU WERE NOT RETURNED FROM THE DELAWARE PSYCHIATRIC CENTER TO THE CUSTODY OF THE DEPARTMENT OF CORRECTION AS REQUESTED BY MS. STACHOWSKI'S CORRECTPONENCE. ON JUNE 29, THAT DOCUMENT WAS FILED WITH THE PROTHONOTARY. PLEASE REFER TO THE COPY OF THE ENCLOSED DOCKET, ENTRY NUMBER 41. IT APPEARS THAT YOUR PETITION DOES NOT CONTAIN ANY OTHER BASIS FOR RELIEF. ACCORDINGLY, YOUR PETITION MUST BE DENIED, AS IT DOES NOT STATE A CLAIM UPON WHICH SUCH A WRIT MAY BE ISSUED. IT IS SO ORDERED. CHT	TOLIVER CHARLES H. IV
71	01/06/2005	PETITION FOR A WRIT OF HABEAS CORPUS FILED (PRO SE) REFERRED TO JUDGE TOLIVER. DATE REFERRED: 1/10/05 CIVIL CASE NO: 05M-01-033	
74	02/03/2005	NOTICE OF SERVICE FILED PRO SE. THE DEFENDANT HEREBY REQUEST THAT HIS COURT APPOINTED DEFENSE ATTORNEY PROVIDE OR MOTION FOR INFORMATION OR MATERIALS AT SENTENCING.	
	02/11/2005	SENTENCING CALENDAR: DEFENDANT SENTENCED.	ABLEMAN PEGGY L.
75	02/11/2005	SENTENCE ASOP ORDER SIGNED AND FILED 02/25/2005.	ABLEMAN PEGGY L.
72	02/14/2005	MANDATE FILED FROM SUPREME COURT: APPEAL DISMISSED. SUPREME COURT CASE NO: 531, 2004 SUBMITTED: JANUARY 10, 2005 DECIDED: JANUARY 25, 2005 BEFORE STEELE, CHIEF JUSTICE, HOLLAND, AND RIDGELY, JUSTICES.	
73	02/17/2005	MOTION FOR NEW TRIAL FILED PRO SE. REFERRED TO JUDGE ABLEMAN.	
	02/22/2005	MOTION FOR NEW TRIAL	
76	02/25/2005		

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State of Delaware v. JIMMY LEWIS DOB: 12/25/1966  
 State's Atty: BRIAN J ROBERTSON , Esq. AKA: EMMANUEL E ELDER  
 Defense Atty: JOHN S EDINGER , Esq. EMMANUEL E ELDER

No.	Event Date	Event	Judge
		LETTER FROM SUPREME COURT TO KATHLEEN FELDMAN, COURT REPORTER RE: A NOTICE OF APPEAL WAS FILED ON 02/18/05, THE TRANSCRIPT IS DUE TO BE FILED IN THE PROTHONOTARY BY 03/28/05.	
77	02/28/2005	LETTER/ORDER ISSUED BY JUDGE: TOLIVER I HAVE NOW HAD THE OPPORTUNITY TO REVIEW YOUR LATEST POSITION SEEKING THE ISSUANCE OF A WRIT OF HABEAS CORPUS WHICH WAS FILED WITH THE PROTHONOTARY ON JANUARY 9, 2005. IT IS A MERE IMAGE OF THAT WHICH YOU FILED ON NOVEMBER 29, 2004. FOR THAT REASON, I MUST AGAIN DECLINE TO GRANT THE RELIEF YOU SEEK AND FOR THE SAME REASONS STATED IN MY LETTER TO YOU OF DECEMBER 14, 2004. BECAUSE THERE IS NOTHING ELSE FOR ME TO DECIDE, YOUR PETITION AGAIN IN THIS REGARD IS DENIED. IT WILL NOT BE RECONSIDERED. IT IS SO ORDERED JUDGE TOLIVER	TOLIVER CHARLES H. IV
78	02/28/2005	LETTER/ORDER ISSUED BY JUDGE: ABLEMAN DEFENDANT'S MOTION FOR A NEW TRIAL IS DENIED. SEE FILE.	ABLEMAN PEGGY L.
80	03/01/2005	NOTICE OF APPEAL FILED IN SUPREME COURT (COPY)	
79	03/07/2005	TRANSCRIPT FILED. TRIAL TESTIMONY- OCTOBER 22, 2003 BEFORE JUDGE ABLEMAN AND JURY	
81	03/10/2005	NOTICE OF SERVICE FOR A COPY OF TRANSCRIPTS. REFERRED TO THE COURT REPORTER OFFICE. COPY PLACED IN THE FILE.	
82	03/18/2005	TRANSCRIPT FILED. SENTENCING- FEBRUARY 11, 2005	
83	03/21/2005	TRANSCRIPT FILED. TRIAL PROCEEDINGS- OCTOBER 21,2003 BEFORE JUDGE ABLEMAN	
	03/21/2005	RECORDS SENT TO SUPREME COURT.	
84	03/28/2005	RECEIPT FROM SUPREME COURT ACKNOWLEDGING RECORD.	
85	05/05/2005	MOTION FOR MODIFICATION OF SENTENCE FILED PRO-SE. REFERRED TO PRESENTENCE 05/20/05 FOR JUDGE ABLEMAN.	
86	05/11/2005	MOTION FOR MODIFICATION OF SENTENCE FILED PRO-SE.	



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State of Delaware v. JIMMY LEWIS DOB: 12/25/1966  
 State's Atty: BRIAN J ROBERTSON , Esq. AKA: EMMANUEL E ELDER  
 Defense Atty: JOHN S EDINGER , Esq. EMMANUEL E ELDER

No.	Event Date	Event	Judge
		REFERRED TO JUDGE ABLEMAN 05/20/05, DEFENDANT SENT IN MOTION 05/05/05 THAT WENT TO PRESENTENCE 05/20/05.	
87	06/01/2005	ORDER MOTION FOR MODIFICATION OF SENTENCE DENIED. THE SENTENCE IS APPROPRIATE FOR ALL THE REASONS STATED AT THE TIME OF SENTENCING.	ABLEMAN PEGGY L.
88	07/05/2005	DOCUMENT(S) FILED REGARDING SUPREME COURT APPEAL.	
118	09/30/2005	DEFENDANT'S LETTER FILED. DEFENDANT IS ASKING THE THE SUPERIOR COURT TO ACCEPT THE ATTACHED MOTION TO IMPUGN THE AUTHENTICITY OF TRIAL TRANSCRIPT AND SENTENCING TRANSCRIPT AS A PRO SE FILING. EXHIBITS ATTACHED	
89	10/05/2005	LETTER/ORDER ISSUED BY JUDGE: ABLEMAN. YOUR MOTION TO IMPUGN THE AUTHENTICITY OF TRIAL TRANSCRIPT AND SENTENCING TRANSCRIPT. DENIED IT IS SO ORDERED.	ABLEMAN PEGGY L.
90	10/19/2005	MANDATE FILED FROM SUPREME COURT: SUPERIOR COURT JUDGMENT AFFIRMED. SUPREME COURT CASE NO: 64, 2005 SUBMITTED: JULY 25, 2005 DECIDED: SEPTEMBER 29, 2005 BEFORE HOLLAND, BERGER AND JACOBS, JUSTICES.	
91	10/26/2005	DOCUMENT(S) FILED REGARDING SUPREME COURT APPEAL. RE: NOTICE TO SHOW CAUSE WHY THE MATTER SHOULD NOT BE DISMISSED BASED ON THE COURTS LACK OF JURISDICTION TO ENTERTAIN A CRIMINAL INTERLOCUTORY APPEAL.	
92	11/21/2005	MOTION FOR MODIFICATION OF SENTENCE FILED PRO-SE. REFERRED TO PRESENTENCE 12/08/05 FOR JUDGE ABLEMAN.	
93	12/12/2005	ORDER MOTION FOR MODIFICATION OF SENTENCE DENIED. THE MOTION WAS FILED MORE THAN 90 DAYS AFTER IMPOSITION OF THE SENTENCE AND IS, THEREFORE, TIME-BARRED. THE SENTENCE IS APPROPRIATE FOR ALL THE REASONS STATED AT THE TIME OF SENTENCING.	ABLEMAN PEGGY L.
94	01/04/2006	MANDATE FILED FROM SUPREME COURT: APPEAL DISMISSED. SUPREME COURT CASE NO: 515, 2005 SUBMITTED: NOVEMBER 2, 2005 DECIDED: DECEMBER 14, 2005	

SUPERIOR COURT CRIMINAL DOCKET  
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State of Delaware v. JIMMY LEWIS DOB: 12/25/1966  
 State's Atty: BRIAN J ROBERTSON , Esq. AKA: EMMANUEL E ELDER  
 Defense Atty: JOHN S EDINGER , Esq. EMMANUEL E ELDER

No.	Event Date	Event	Judge
		BEFORE STEELE, CHIEF JUSTICE, BERGER AND JACOBS, JUSTICES THE COURT DOES NOT HAVE JURISDICTION TO REVIEW LEWIS' INTERLOCUTORY APPEAL IN THIS CRIMINAL CASE.	
95	01/06/2006	MOTION FOR POSTCONVICTION RELIEF FILED. PRO SE REFERRED TO JUDGE ABLEMAN	
96	01/12/2006	LETTER FROM A.HAIRSTON, PROTHONOTARY OFFICE TO BRIAN ROBERTSON, DAG RE: NOTICE OF FILING OF PRO SE MOTION FOR POSTCONVICTION RELIEF.	
97	02/09/2006	ABLEMAN PEGGY L. ORDER:IT IS ORDERED THAT: (1) DEFENDANT'S PRIOR COUNSEL, J. EDINGER, E ESQ, SHALL FILE AN AFFIDAVIT WITH THE PROTHONOTARY RESPONDING TO THE FACTUAL ALLEGATIONS OF THE INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS PURSUANT TO RULE 61(G) (2) ON OR BEFORE MARCH 8, 2006, SERVING THE AFFIDAVIT ON THE STATE AND ON THE MOVANT. (2) THE DEPT. OF JUSTICE SHALL FILE A LEGAL MEMORANDUM WITH THE PROTHONOTARY IN RESPONSE TO THE MOTION, TAKING INTO ACCOUNT THE FACTUAL ASSERTIONS IN BOTH THE MOTION TAKING INTO ACCOUNT THE FACTUAL ASSERTIONS IN BOTH THE MOTION AND TRIAL COUNSEL'S RESPONSE, PURSUANT TO RULE 61(F) ON OR BEFORE APRIL 10 2006. (3) ANY REPLY BY THE NOVANT TO THE ABOVE AFFIDAVIT OR PRIOR COUNSEL AND TO THE STATE'S RESPONSE SHALL BE FILED WITH THE PROTHONOARY BY MAY 10, 2006.	
98	02/10/2006	ABLEMAN PEGGY L. ORDER: MOTION FOR POSTCONVICTION RELIEF: IT IS ORDERED THAT: (1) DEFENDANT'S PRIOR COUNSEL, JOHN EDINGER, JR, ESQ, SHALL FILE AN AFFIDAVIT WITH THE PROTHONOTARY RESPONDING TO THE FACTUAL ALLEGATIONS OF THE INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS PURSUANT TO RULE 61(G) (2) ON OR BEFORE MARCH 8, 20006, SERVING THE AFFIDAVIT ON THE STATE AND ON THE MOVANT. (2) THE DEPT. OF JUSTICE SHALL FILE A LEGAL MEMORANDUM WITH THE PROTHONOTARY IN RESPONSE TO THE MOTION, TAKING INTO ACCOUNT THE FACTUAL ASSERTIONS IN BOTH THE MOTION AND TRIAL COUNSEL'S RESPONSE, PURSUANT TO RULE 61(F)ON OR BEFORE APRIL 10, 2006. (3) ANY REPLY BY THE MOVANT TO THE ABOVE AFFIDAVIT OF PRIOR COUNSEL AND TO THE STATE'S RESPONSE SHALL FILED WITH THE PROTHONOTARY BY MAY 10, 2006	
99	02/10/2006	DOCUMENT(S) FILED REGARDING SUPREME COURT APPEAL. RE: WRIT OF MANDAMUS	
100	03/10/2006	AFFIDAVIT RESPONDING TO ALLEGATIONS OF INEFFECTIVE COUNSEL FILED BY JOHN EDINGER, ESQ. (SEE FILE FOR ENTIRE AFFIDAVIT)	

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State of Delaware v. JIMMY LEWIS DOB: 12/25/1966  
 State's Atty: BRIAN J ROBERTSON , Esq. AKA: EMMANUEL E ELDER  
 Defense Atty: JOHN S EDINGER , Esq. EMMANUEL E ELDER

No.	Event Date	Event	Judge
102	04/11/2006	STATE'S RESPONSE FILED. RE: RULE 61. FILED BY BRIAN ROBERTSON, DAG REFERRED TO JUDGE ABLEMAN	
101	04/12/2006	NOTICE OF APPEAL FILED IN SUPREME COURT (COPY)	
103	04/21/2006	ABLEMAN PEGGY L. LETTER FROM JUDGE ABLEMAN TO JOHN EDINGER, ESQ RE: RULE 61 PLEASE FILE WITH THE COURT AN AFFIDAVIT, IN NARRATIVE FORM, RESPONDING TO THE FACTUAL ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF COUNSEL CLAIMS SET FORTH BY THE DEFENDANT AND HIS MOTION FOR POST- CONVICTION RELIEF ON OR BEFORE MAY 18, 2006	
104	04/24/2006	PETITION FOR 30 DAY POSTPONMENT REGARDING JUDGE ABLEMAN'S 2/8/06 ORDER FILED. PRO SE REFERRED TO JUDGE ABLEMAN	
105	05/12/2006	MANDATE FILED FROM SUPREME COURT: APPEAL DISMISSED. SUPREME COURT CASE NO: 66, 2006 BEFORE STEELE, CHIEF JUSTICE, JACOBS AND RIDGELY, JUSTICES. THERE IS NO BASIS UPON WHICH TO GRANT LEWIS' MANDAMUS PETITION. THIS COURT WILL NOT ISSUE A WRIT OF MANDAMUS TO COMPEL A TRIAL COURT TO PERFORM A PARTICULAR JUDICIAL FUNCTION, TO DECIDE A MATTER IN A PARTICULAR WAY, OR TO DICTATE THE CONTROL OF ITS DOCKET. MOREOVER, IN VIEW OF THE SUPERIOR COURT ORDER OF FEBRUARY 9, 2006. LEWIS PETITION FOR A WRIT OF MANDAMUS IS MOOT.	
106	05/19/2006	LETTER FROM JIMMIE LEWIS, TO THE COURT. RE: REQUESTING POSTPONEMENT REGARDING THE DEFENDANT'S RULE 61 POSTCONVICTION MOTION. REFERRED TO JUDGE ABLEMAN	
107	05/30/2006	DEFENDANT'S LETTER FILED. REFERRED TO JUDGE ABLEMAN DEFENDANT'S RESPONSE TO THE STATES RESPONSE TO THE STATES RESPONSE TO THE DEFENDANT'S RULE 61 POSTCONVICTION RELIEF	
108	06/05/2006	AFFIDAVIT OF JOHN EDINGER, ESQ FILED. RE: RULE 61 REFERRED TO JUDGE ABLEMAN	
109	06/12/2006	MANDATE FILED: SUPEREME COURT APPEAL DISMISSED. SUPREME COURT CASE NO: 182, 2006 SUBMITTED: APRIL 10, 2006	

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State of Delaware v. JIMMY LEWIS DOB: 12/25/1966  
 State's Atty: BRIAN J ROBERTSON , Esq. AKA: EMMANUEL E ELDER  
 Defense Atty: JOHN S EDINGER , Esq. EMMANUEL E ELDER

No.	Event Date	Event	Judge
		DECIDED: MAY 18, 2006 BEFORE STEELE, CHIEF JUSTICE, HOLLAND AND BERGER, JUSTICES.	
110	06/27/2006	DEFENDANT'S RESPONSE TO DEFENSE COUNSEL'S RESPONSE TO THE DEFENDANT'S RULE 61 POSTCONVICTION RELIEF MOTION FILED. PRO SE REFERRED TO JUDGE ABLEMAN	
111	08/29/2006	OPINION: UPON DEFENDANT'S MOTION FOR POSTCONVICTION RELIEF: DENIED. IT IS SO ORDERED.	ABLEMAN PEGGY L.
112	09/29/2006	DEFENDANT'S RESPONSE TO JUDGE ABLEMAN'S AUG. 29, 2006 POSTCONVICTION DECISION FILED. REFERRED TO JUDGE ABLEMAN.	
113	10/04/2006	NOTICE OF APPEAL FILED IN SUPREME COURT (COPY)	
114	01/05/2007	MANDATE FILED FROM SUPREME COURT: APPEAL DISMISSED. SUPREME COURT CASE NO: 536, 2006 APPEAL UNTIMELY FILED. SUBMITTED: NOVEMBER 1, 2006 DECIDED: DECEMBER 12, 2006 BEFORE BERGER, JACOBS AND RIDGELY, JUSTICES.	
115	03/19/2007	MOTION FOR POSTCONVICTION RELIEF FILED. PRO SE REFERRED TO JUDGE ABLEMAN	
117	03/19/2007	DEFENDANT'S LETTER FILED. MENATAL HEALTH AND BEHAVIOR TREATMENT OBJECTIVES	
116	03/20/2007	LETTER FROM A. HAIRSTON, PROTHONOTARY OFFICE TO BRIAN ROBERTSON,DAG RE: NOTICE OF FILING OF PRO SE MOTION FOR POSTCONVICTION RELIEF. ATTACHED: COPY OF MOTION	
119	04/27/2007	ORDER: UPON CONSIDERATION OF DEFENDANT'S PRO SE MOTION FOR POST- CONVICTION RELIEF FILED. SUMMARILY DISMISSED. IT IS SO ORDERED	ABLEMAN PEGGY L.
120	05/15/2007	LETTER FROM SUPREME COURT TO SHARON AGNEW, PROTHONOTARY RE: A NOTICE OF APPEAL WAS FILED ON MAY 8, 2007. THE RECORD IS DUE MAY 31, 2007. 233, 2007	
121	05/18/2007		ABLEMAN PEGGY L.



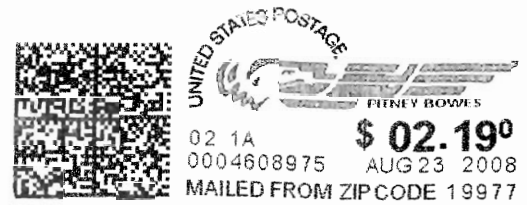
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State of Delaware v. JIMMY LEWIS DOB: 12/25/1966  
 State's Atty: BRIAN J ROBERTSON , Esq. AKA: EMMANUEL E ELDER  
 Defense Atty: JOHN S EDINGER , Esq. EMMANUEL E ELDER

No.	Event Date	Event	Judge
		ORDER AND MOTION FOR PSYCHIATRIC/PSYCHOLOGICAL EVALUATION FILED. DEFENDANT SHALL UNDERGO A PSYCHIATRIC/PSYCHOLOGICAL EVALUATION BY STAFF AT: DELAWARE PSYCHIATRIC CENTER REASON:TREATMENT PER DR.CAVANAUGH'S LETTER OF 05/17/07 EVALUATION SHALL BE SUBMITTED TO COURT NO LATER THAN: (DEADLINE DATE) EVALUATION SHALL BE SUBMITTED TO: JUDGE ABLEMAN MASTER SHALL FORWARD EVALUATION TO COUNSEL; COUNSEL SHALL NOTIFY THE COURT WITHIN 10 DAYS WHETHER A COMPETENCY HEARING IS REQUIRED. IF NO NOTIFICATION, COURT WILL ASSUME HEARING IS UNNECESSARY, AND CASE WILL BE SCHEDULED AS APPROPRIATE. IF COUNSEL NOTIFIES COURT THAT A COMPETENCY HEARING IS REQUIRED, PROTHONOTARY SHALL CONSULT WITH COUNSEL AND SCHEDULE HEARING. THE CRIMINAL ASSIGNMENT JUDGE SHALL ASSIGN THE HEARING TO ANY JUDGE AVAILABLE.	
	05/24/2007	RECORDS SENT TO SUPREME COURT. 233, 2007	
123	06/01/2007	RECEIPT FROM SUPREME COURT ACKNOWLEDGING RECORD. 233, 2007	
124	06/27/2007	LETTER FROM JOHN EDINGER, ESQ TO JUDGE JURDEN. ENCLOSED PLEASE FIND MY REQUESTED RESPONSE TO THE ABOVE-CAPTIONED CASE.	
125	06/27/2007	AFFIDAVIT RESPONDING TO ALLEGATION OF INEFFECTIVE ASSISTANCE OF COUNSEL FILED. FILED BY JOHN EDINGER, ESQ REFERRED TO JUDGE JURDEN	
126	10/23/2007	LETTER FROM: JOSEPH C. SCHOELL TO: JUDGE ABLEMAN RE: LETTER WRITTEN ON BEHALF OF THE DELAWARE PSYCHIATRIC CENTER (DPC) CONCERNING JIMMIE LEWIS. 5/17/07 THE COURT ORDERED MR.LEWIS TRANSFERRED TO DPC FOR EVALUATION AND TREATMENT. CLINICAL STAFF SUBSEQUENTLY EVALUATED MR. LEWIS AND DEEMED HIM INAPPROPRIATE FOR TREATMENT THERE, AS INDICATED IN THE ENCLOSED FORENSIC PSYCHIATRIC EVALUATION. PRIOR TO COMPLETEION OF THE EVALUATION, COMM. REYNOLDS DETERMINED THAT THERE WAS INSUFFICIENT PROBABLE CAUSE TO INVOLUNTARY TREAT MR. LEWIS UNDER 16DEL.C.CH.50. DPC. REQUESTS TIME FOR ARGUMENT ON A MOTION TO MODIFY THE COURT'S EARLIER ORDER AND DIRECT MR. LEWIS'S TRANSFER BACK TO DEPARTMENT OF CORRECTION, OR ALTERNATIVELY, IF IT IS THE COURT'S PREFERENCE, SCHEDULE A TIME FOR A HEARING AT WHICH DPC CAN PRESENT TESTIMONY FROM A PSYCHIATRIST WHO HAS EVALUATED MR. LEWIS.	

JIMMIE LEWIS  
SBI # 506622  
J.T.V.E.C, SHU 17, C43  
1181 PADDOCK RD  
SMYRNA, DE 19977



CLERK OF THE COURT (GMS)  
UNITED STATES DISTRICT COURT  
844 N. KING ST, LOCKBOX 18  
WILMINGTON, DELAWARE 19801